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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

9 BRENDAN MCKOWN, an individual.

10 Plaintiff,

11 v.

12 SIMON PROPERTY GROUP, INC., dba  
13 TACOMA MALL, a Delaware  
14 corporation; IPC INTERNATIONAL  
CORPORATION, an Illinois corporation,

15 Defendants  
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CASE NO. C08-5754BHS

ORDER DENYING  
STIPULATED  
PROTECTIVE ORDER

17 This matter comes before the Court on the parties' stipulated motion and protective  
18 order (Dkt. 40). The Court has considered the pleading filed in support of the proposed  
19 order and the remainder of the file and hereby declines to enter the proposed order as an  
20 order of the Court for the reasons stated herein.


21 The parties request an expansive protective order for all confidential information  
22 that may be disclosed during the discovery phase of this proceeding. *See* Dkt. 40. The  
23 parties have agreed to designate certain materials as "CONFIDENTIAL MATERIAL. *Id.*

24 The Court need not enter the stipulation as an order of the Court because (1) the  
25 proposed order contains provisions that are more appropriate for an agreement between  
26 the parties instead of an expansive protective order, and (2) the attorneys for both parties  
27 have executed the agreement. If a party seeks protection from the public disclosure of  
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1 any material after unsuccessfully obtaining agreement for such protection from all parties,  
2 such party may apply to the Court for relief. However, when disagreements arise, it is  
3 important to adhere to the requirement of a “good faith” effort “to resolve the dispute  
4 without court action.” *See* Fed. R. Civ. P. 26 and 37.

5 Therefore, it is hereby **ORDERED** that the parties’ stipulated motion and  
6 protective order (Dkt. 40) is **DENIED**.

7 DATED this 21<sup>st</sup> day of September, 2009.

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11 BENJAMIN H. SETTLE  
12 United States District Judge  
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